

(was Administrative Policy 9-09-105)

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **STAFF PROTECTED HEALTH INFORMATION**

Prior Approval Date: N/A
Current Approval Date: 12/6/07

Approved by: Donald S. Hawkey 12/6/07
Executive Director Date

I. ABSTRACT

This policy establishes the standards and procedures of the Macomb County Community Mental Health Board (MCCMH) for ensuring compliance with the Privacy Rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by establishing a process for the maintenance and care of the personal medical records of MCCMH administrative and directly-operated network provider staff.

II. APPLICATION

This policy shall apply to the MCCMH administrative offices and to all directly-operated network providers of the MCCMH Board.

III. POLICY

It is the policy of the MCCMH Board to require all medical information of its staff members to be located within an administrative file in central Administration to better enable compliance with the minimum necessary Privacy Rule under HIPAA.

IV. DEFINITIONS

A. Minimum Necessary

A key protection of the HIPAA Privacy Rule which requires MCCMH to make reasonable efforts to limit the use, disclosure, receipt of, and requests for protected

health information to the minimum necessary amount to accomplish the intended purpose of the request for the information.

V. STANDARDS

- A. All doctor's notes and other personal medical information of MCCMH administrative and directly-operated network provider staff are considered protected, confidential information under HIPAA. MCCMH shall apply the HIPAA minimum necessary standards to all staff personal medical records.
- B. All doctor's notes and other medical information pertaining to staff shall be kept in an administrative file located within central Administration. The MCCMH Administration Personnel Clerk shall keep the original, if available, or a copy in a locked file cabinet, and provide another copy to the Macomb County Human Resources Department. All other copies shall be destroyed pursuant to MCCMH HIPAA policies.
- C. Direct site Supervisors, or the staff employee at the direction of his / her site Supervisor, shall send all doctor's notes and any additional medical information used to document sick leave or other medically necessitated requests to the MCCMH Administration Personnel Clerk, according to the procedures outlined in this policy.
- D. No doctor's notes nor any other staff medical information shall remain on any directly-operated network provider site, or in any administrative departmental office, except for the office of the Administration Personnel Clerk. If any medical information relating to staff is currently located on site, direct site supervisors or Departmental Directors must submit all copies to the MCCMH Administration Personnel Clerk according to the procedures outlined in this policy. This does not preclude an employee from maintaining his or her own personal medical information in a file marked "CONFIDENTIAL," and locked in a file cabinet or desk within the employee's personal work space.

VI. PROCEDURES

- A. Doctor's notes and other medical information used by a directly-operated network provider staff member to document sick leave or other medically necessitated requests shall be submitted to the site Supervisor, or for Administration staff, to the Director of the staff member's Department, who will do the following, or will direct the staff employee to do the following:

1. Forward the staff member's medical information by inter-office mail, with the envelope clearly marked "**CONFIDENTIAL**" to the MCCMH Administration Personnel Clerk, located at 22550 Hall Road, Clinton Township, MI, or
 2. FAX the medical information to the MCCMH Administration Personnel Clerk, **FAX No. 469-7674**, in pursuance with MCCMH Policy 6-004, "Facsimile Document Transmission," and then forward the original by inter-office mail, with the envelope clearly marked "**CONFIDENTIAL**," to the MCCMH Administration Personnel Clerk.
- B. The Supervisor of the directly-operated program site, and the Director of the Department, shall not keep any copies, nor keep the original, of any staff medical information, but will forward all copies / original to the MCCMH Administration Personnel Clerk according to the procedure outlined in VI.A.
- C. The MCCMH Administration Personnel Clerk shall:
1. Keep the original, if available, or a copy of all staff medical records received by inter-office mail and by FAX in a separate, locked cabinet;
 2. Forward a copy of the staff medical information to Macomb County Human Resources Department pursuant to the Macomb County Personnel Manual;
 3. Destroy any duplicate copies, maintaining only one original or copy of each medical record or doctor's note received.
- D. In applying the minimum necessary standards to limit the disclosure of staff members' protected health information, no doctor's notes nor other medical information of a staff member shall be submitted to Administration except by the procedure outlined in VI.A., e.g. such information will not be attached to attendance records or time sheets.

VII. REFERENCES / LEGAL AUTHORITY

- A. Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191
- B. 45 CFR § 164.502(b)
- C. Macomb County Personnel Manual, adopted March 22, 2001

VIII. EXHIBITS

- A. None.